

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 01-1917

United States of America,

Appellee,

v.

Scott John Borchers,

Appellant.

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* Appeal from the United States
* District Court for the
* Northern District of Iowa.
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* [UNPUBLISHED]
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Submitted: August 1, 2001
Filed: September 27, 2001

Before HANSEN, FAGG, and BEAM, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Scott Borchers challenges the constitutionality of 18 U.S.C. § 228(a)(3), the Child Support Recovery Act (CSRA). Borchers pleaded guilty to one count of failure to pay child support in violation of § 228(a)(3), and was sentenced to ten months imprisonment, one year of supervised release, and restitution.

We conclude that Borchers's challenge is foreclosed by this court's prior decision upholding the constitutionality of § 228(a)(3). See United States v. Crawford, 115 F.3d 1397, 1400 (8th Cir.) (enactment of CSRA was constitutional exercise of Congress's commerce power, because payment of child support on behalf of out-of-

state child is substantially related to interstate commerce), cert. denied, 522 U.S. 934 (1997); United States v. Prior, 107 F.3d 654, 660 (8th Cir.) (one Eighth Circuit panel may not overrule another panel's decision), cert. denied, 522 U.S. 824 (1997).

Accordingly, we affirm the judgment of the district court.¹

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable Mark W. Bennett, Chief Judge, United States District Court for the Northern District of Iowa.